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25  
26 **UNITED STATES DISTRICT COURT**  
27 **NORTHERN DISTRICT OF CALIFORNIA**  
28 **SAN FRANCISCO DIVISION**

29 UNITED STATES OF AMERICA and the  
30 STATE OF CALIFORNIA ex rel.  
31 ERIN HAYES and RICHARD PONDER,

32 Plaintiffs,

33 v.

34 COVIDIEN, INC., a corporation,  
35 Defendant.

VC

CASE NO. C 14-1511 ~~EDL~~

**JOINT STIPULATION OF VOLUNTARY  
DISMISSAL; ~~PROPOSED~~ ORDER**

36 Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions  
37 of the False Claims Act (FCA), 31 U.S.C. § 3730(b)(1), and in accordance with and subject to all  
38

JOINT STIPULATION OF VOLUNTARY DISMISSAL; PROPOSED ORDER  
C 14-1511 EDL

1 of the terms and conditions of the settlement agreement among the United States, the State of  
2 California, the State of Florida, Relators Erin Hayes, Richard Ponder, and Shawnea Howerton,  
3 and Covidien LP<sup>1</sup>, (the "Settlement Agreement"), the United States, the State of California, and  
4 Relators Erin Hayes and Richard Ponder ("the Hayes Relators"), hereby stipulate, through their  
5 undersigned counsel, as follows:  
6

7 1. As to the United States, the claims against Covidien LP are dismissed with  
8 prejudice as to the Covered Conduct released in the Settlement Agreement and subject to all of  
9 the terms of the Settlement Agreement, and otherwise without prejudice.

10 2. As to the State of California, the claims against Covidien LP are dismissed with  
11 prejudice as to the Covered Conduct released in the Settlement Agreement (including any  
12 supplemental state law claims) and subject to all of the terms of the Settlement Agreement, and  
13 otherwise without prejudice.

14 3. As to the Hayes Relators, this action is dismissed with prejudice, subject to all of  
15 the terms of the Settlement Agreement and subject to all of the terms of a separate agreement  
16 between the Hayes Relators and Covidien LP, which resolves the Hayes Relators' claims  
17 pursuant to 31 U.S.C. § 3730(h).

18 4. According to the terms of the Settlement Agreement, this Court retains  
19 jurisdiction over any disputes that may arise regarding compliance with the Settlement  
20 Agreement.

21 5. A copy of the Settlement Agreement will be provided to the Court upon request.  
22

23 IT IS SO STIPULATED.  
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28 <sup>1</sup> Covidien LP was erroneously named as Covidien, Inc. in the complaint.

1 DATED: 5/3, 2019

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13 DATED: 4/2, 2019

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28 JOINT STIPULATION OF VOLUNTARY DISMISSAL; PROPOSED ORDER  
C 14-1511 EDL

1 DATED: \_\_\_\_\_, 2019

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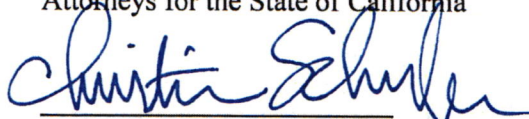
13 DATED: \_\_\_\_\_, 2019

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Court directs the Clerk to close this case pursuant to the settlement agreement between the parties.

**IT IS SO ORDERED.**

Dated: May 20, 2019

